

LEHIGH VALLEY INDUSTRIAL PARK VI – PROTECTIVE COVENANTS  
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## **LEHIGH VALLEY INDUSTRIAL PARK VI**

### **PROTECTIVE COVENANTS**

WHEREAS, Lehigh Valley Industrial Park, Inc. (hereinafter LVIP) has acquired title to 184.962 acres through purchases & sales in Bethlehem Township, Northampton County as follows;

from Baglyos Family Estate Trust to LVIP by Deed dated 3/2/99 and recorded in the Office of the Recorder of Deeds of Northampton County, Pennsylvania in Deed Book 1999-1 at page 039104, 104.6184 acres of land;

from 6080 Partnership to LVIP by Deed dated 3/2/99 and recorded in the Office of the Recorder of Deeds of Northampton County, Pennsylvania in Deed Book 1999-1 at page 029052, 0.3885 acres of land;

from PP&L, Inc., formerly Pennsylvania Power and Light Company, to LVIP by Deed dated 3/16/99 and recorded in the Office of the Recorder of Deeds of Northampton County, Pennsylvania in Deed Book 1999-1 at page 038344, 10.275 acres of land;

from the County of Northampton to LVIP by Deed dated 3/22/99 and recorded in the Office of the Recorder of Deeds of Northampton County, Pennsylvania in Deed Book 1999-1 at page 038590, 28.4672 acres of land;

from the Estate of Peter J. Emrick to LVIP by Deed dated 3/23/99 and recorded in the Office of the Recorder of Deeds of Northampton County, Pennsylvania in Deed Book 1999-1 at page 039137, 47.2963 acres of land;

from Bernard J. and Susan Hejda to LVIP by Deed dated 3/29/99 and recorded in the Office of the Recorder of Deeds of Northampton County, Pennsylvania in Deed Book 1999-1 at page 044170, 2.85 acres of land;

from Betty C. E. Rehrig to LVIP by Deed dated 3/30/99 and recorded in the Office of the Recorder of Deeds of Northampton County, Pennsylvania in Deed Book 1999-1 at page 044141, 3.04 acres of land;

from the Bethlehem Area School District to LVIP by Deed dated 10/18/99 and recorded in the Office of the Recorder of Deeds of Northampton County, Pennsylvania, in Deed Book 1999-1 at page 158932, 2.3103 acres of land;

less and except the following parcels of land which have been or will be transferred to third parties and will not be included in LVIP VI and will not be subject to these Covenants:

from LVIP to Pennsylvania Department of Transportation by Deed dated March 25, 1999 and recorded in the Office of the Recorder of Deeds of Northampton County, Pennsylvania in Deed Book 1999-1 at page 065435, .276 acres of land;

from LVIP to the Township of Bethlehem, Northampton County by Deed to be recorded in the Office of the Recorder of Deeds of Northampton County, Pennsylvania, 14.0077 acres of land;

WHEREAS, LVIP has begun to develop said land in accordance with a subdivision Plan of Lehigh Valley Industrial Park VI, dated July 6, 1998, last revised March 13, 1999 and recorded in the Office of the Recorder of Deeds of Northampton County, Pennsylvania, in Plan Book 1999-5 at page 80-87, and by any subsequent revisions thereof;

WHEREAS, LVIP adopted Protective Covenants for Lehigh Valley Industrial Park VI, dated December 8, 1999 and recorded in the Office of the Recorder of Deeds of Northampton County, Pennsylvania in Miscellaneous Book 1999-1 at page 181664, and;

WHEREAS, those Protective Covenants may be amended in whole or in part upon agreement in writing by the record owners in fee simple of more than seventy five percent (75%) of the land subject to these Protective Covenants, based on the number of acres so owned divided by the number of acres subject to these Protective Covenants; however, so long as LVIP is the record owner in fee simple of at least twenty-five percent (25%) of the land subject to these Protective Covenants, LVIP shall be deemed to be the record owner in fee simple of more than seventy-five percent (75%) of the land subject to these Protective Covenants; and,

WHEREAS, William B. Joachim, Jr., an attorney and/or counselor of the Supreme Court of Pennsylvania has certified as to the fee simple ownership of the land subject to these Protective Covenants; (See Certificate #1 attached) and,

WHEREAS, James B. Birdsall, a Professional Engineer & Surveyor licensed by the Commonwealth of Pennsylvania has certified the number of acres owned by such record owners as required by Article I, Section 104 of the Protective Covenants, (See Certificate #2 attached)

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS, LVIP, a Pennsylvania non-profit corporation having its principal place of business at 100 Brodhead Road, Suite 160, Bethlehem, Northampton County, Pennsylvania, intending to be legally bound, hereby states in its entirety these Protective Covenants dated December 8, 1999.

## ARTICLE I

### GENERAL PROVISIONS

Sec. 101 (A). Purpose

The purpose of these Protective Covenants is to promote realistic industrial development in an efficient and attractive setting and to provide a desirable location for business in a harmonious relationship with surrounding areas. The development standards set by these Protective Covenants are intended not only to create that harmonious relationship, but also to encourage architectural consistency in keeping with the purpose of these Protective Covenants.

Sec. 101 (B). Employment Requirement

Development of land in LVIP VI shall be restricted to uses which provide employment for the lesser of either: (a) a minimum of one (1) employee per one thousand (1,000) sq. ft. of building area or (b) provide a minimum number of jobs based on ten (10) employees per acre conveyed excluding detention/retention ponds.

Sec. 101 (C). Employment Requirement for Contiguous Lots

In determining whether the requirements of this Section have been met, the owner, occupier or user of a lot subject to these Protective Covenants may calculate the number of its employees by including in the calculation the number of its employees employed, either on a part-time or full-time basis, at all lots in the same ownership that are contiguous to such lot within LVIP VI.

Sec. 102. Property Subject to Protective Covenants

All the land within the above mentioned Subdivision Plan conveyed, transferred, assigned, sold, occupied, leased and used is subject to these Protective Covenants.

Sec. 103. Covenants to Run with Land

These Protective Covenants shall run with the land and bind LVIP, its successors and assigns; all persons claiming by, through, or under them shall be taken to hold,

agree, and covenant with LVIP, its successors and assigns, and with each of them, to conform to and observe these Protective Covenants; but none of these Protective Covenants shall be binding on any owner except during its ownership, occupancy, or use of the land subject to them. LVIP, its successors and assigns, shall have the right to enforce these Protective Covenants at law or in equity; the failure of LVIP, its successors or assigns, to enforce any of these Protective Covenants at the time of the violation shall not be deemed a waiver of the right to do so as to any subsequent violation. These Protective Covenants shall continue in perpetuity unless amended or terminated.

Sec. 104. Amendment or Termination *(See Amendment)*

These Protective Covenants may be amended in whole or in part upon agreement in writing by the record owners in fee simple of more than seventy-five percent (75%) of the land subject to these Protective Covenants, based on the number of acres so owned divided by the number of acres subject to these Protective Covenants; however, so long as LVIP is the record owner in fee simple of at least twenty-five percent (25%) of the land subject to these Protective Covenants, LVIP shall be deemed to be the record owner in fee simple of more than seventy-five percent (75%) of the land subject to these Protective Covenants. Any such agreement to amend or terminate these Protective Covenants shall not become effective until: an attorney and counselor of the Supreme Court of Pennsylvania certifies the names of record owners in fee simple of the land subject to these Protective Covenants; and, a professional engineer licensed by the Commonwealth of Pennsylvania certifies the number of acres owned by such record owners; and, the agreement and the certifications are recorded in the Office of the Recorder of Deeds of Northampton

County, Pennsylvania. The certifications shall be deemed conclusive evidence of such record ownership in fee simple and such acreage.

Sec. 105. Partial Invalidity.

The invalidation of any of these Protective Covenants by judgment or order of court shall not affect any of the other Protective Covenants which shall remain in full force and effect.

Sec. 106. Government Regulations

Each owner, occupier or user of land subject to these Protective Covenants shall be responsible for compliance with applicable restrictions and other regulations imposed by law by the United States or by the Commonwealth of Pennsylvania and its political subdivisions, including but not limited to, regulations of use, storm water run-off and air & water pollution.

## ARTICLE II

### USES

Sec. 201 (A). Permitted Uses *(See Amendment)*

Land and buildings may be used for any of the following purposes and no other:

- (1) Tilling of the soil by LVIP only.
- (2) Research laboratory or similar testing or scientific establishment.
- (3) Headquarters or similar office building, including data processing and record storage, with offices involving only limited contact with the general public.
- (4) Publishing, printing, lithographing or similar business.
- (5) Warehouse, wholesale or distribution facility. Provided, however, that no more than the following percentage of the buildings on each lot shall be used for warehouse, wholesale or distribution in accordance with Bethlehem Township Zoning Ordinance requirements:

<u>Total Floor Area of All Buildings on a Lot</u>	<u>Maximum Total % of Such Floor Area that may be Occupied by Warehousing &amp; Distribution Uses</u>
49,999 or less	90%
50,000 to 99,999	75%
100,000 or greater	50%

- (6) Manufacturing, assembly or treatment of articles or merchandise from the following previously prepared materials: plastics, canvas, cellophane, cork, feathers, fiber, glass; leather and fur (excluding tanning, curing and dyeing); precious or semi-precious metals or stone; shell, textiles, tobacco; rubber products and synthetic and synthetic-treated products.
- (7) Manufacturing: ceramic products (using only previously pulverized clay); novelty or small products from previously prepared paper or cardboard, (not including bulk processing); jewelry, clocks and watches; medical, drafting optical and other professional and scientific instruments and equipment; musical instruments; textiles (including spinning and weaving, but not including wool scouring and pulling of jute or burlap processing or reconditioning) apparel, shoes and apparel accessories; toys, wood (excluding planing mills and bulk processing of wood and lumber).
- (8) Processing, packaging and treatment of compounding of such products as cosmetics and toiletries, drugs, perfumes and pharmaceuticals.
- (9) Manufacturing and assembly of: electrical or electronic devices; home, commercial and industrial appliances and instruments; electrical supplies, including such equipment and supplies as lighting fixtures, fans, machines, refrigerators and air conditioners.
- (10) Light metal processing such as: metal machining, finishing, grinding and polishing; metal stamping and extrusion of small products (such as costume jewelry and kitchen utensils); manufacturing of light metal products, tools, and hardware (such as tools, bolts and nuts).
- (11) Bottling, packing or packaging establishment.
- (12) Manufacturing of paper or cardboard boxes, envelopes, containers and novelties from previously prepared paper or cardboard.
- (13) Quarters for security personnel and caretakers employed on the premises, provided the quarters are located within the main building.
- (14) Sales of industrial equipment other than vehicles primarily intended for use on public streets.
- (15) Manufacture of transportation equipment.

- (16) Abrasive or nonmetallic mineral products.
- (17) Financial institution.
- (18) Nursery school/day care center.
- (19) Wholesale sales.
- (20) Testing and repair of manufactured products.
- (21) Manufacture and assembly of microelectronic components.
- (22) Photofinishing labs
- (23) Medical or hospital offices for outpatient treatment and testing.
- (24) Outdoor storage as Accessory to a Permitted Use. (Permitted when visually mitigated from year round off-site views by earthen berms and/or shrubbery and trees and/or other acceptable screening equal to the height of the outside storage.)
- (25) Health/Fitness Club as part of a multi-use facility.

Accessory uses customary with and incidental to any of the above listed uses shall be permitted unless otherwise prohibited by these Protective Covenants.

Sec. 201(B) Permitted Uses – Commercial

Within the commercial area, all uses are subject to review of the Building Committee of LVIP prior to LVIP Board of Directors approval or disapproval.

Sec. 201(C) Special Exception Uses (*See Amendment*)

Other uses that LVIP will consider as a special exception, but not a part of the approved list providing they meet the Special Exception Standards [Sec. 201(D)] are as follows:

- (1) Public utility installation
- (2) Manufacturing of food products
- (3) Tire recapping
- (4) Bulk manufacture of chemicals that are **not** highly hazardous.

- (5) Manufacture of resins, vinyls, polymers, plastics or rubber products either natural or synthetic.
- (6) Manufacture of fabricated metal products, except ammunition or explosives.
- (7) All governmental, quasi-public, non-profit or tax-exempt uses.
- (8) Outdoor Storage as Accessory to a Special Exception Use. (Permitted when visually mitigated from year-round off-site views by earthen berms and/or shrubbery and trees and/or other acceptable screening equal to the height of the outside storage.)
- (9) Hotel, if over 100 rooms.
- (10) Restaurant(**not** fast food chain) – permitted **only** when attached to, or as part of, a hotel operation.

Sec. 201(D). Special Exception Standards

- (1) To insure that all uses involving complex or unusual processes comply with the Covenants, and do not threaten the public health and safety, and are in conformance with LVIP.
- (2) Information Required The Building Committee and the LVIP Board of Directors may require an applicant to submit sufficient information on any storage, manufacture or processing of materials that might involve explosive, toxic, hazardous or radioactive substances to determine whether the use would meet the performance requirements acceptable to LVIP and consistent with its Protective Covenants.
- (3) Studies May Be Required As part of a review by the Building Committee and LVIP Board of Directors of a special exception use, the Building Committee and the Board may require an applicant to fund such reasonable and necessary studies to determine the use's compliance with special exception standards. Such studies shall be completed by experts in their particular field. Such studies should, whenever possible, be completed in written form within 45 days of the application for a special exception. The applicant shall be required to provide such information to the designated reviewer to allow an accurate determination of the potential hazards.
- (4) Monitoring If a reasonable doubt exists that a use would violate the special exception standards, the LVIP Building Committee and Board of Directors may require a use to fund such reasonable and necessary monitoring to require its compliance.
- (5) Backup Systems The LVIP Building Committee and Board of Directors may require a separate secondary safeguard system to protect the public from serious nuisances and hazards under acceptable performance standards.

- (6) Safety Standards If the LVIP Building Committee and Board of Directors determines that significant fire or explosive hazard could exist, then LVIP may make a condition of use that the operation, storage, or process that threatens the hazard comply fully with the relevant standards for the operation, storage or process as developed by the National Fire Protection Association.
- (7) In addition to the above or other Covenant requirements, all governmental, quasi-public, tax-exempt, or non-profit use approvals shall be dependent upon meeting the following conditions of acceptability by LVIP:
  - a. That the hours of operation are reasonable, acceptable and consistent with other existing uses within LVIP.
  - b. That the traffic impact or any required improvements to handle traffic impact are completed by the user in a manner that will maintain existing levels of service under the Institute of Traffic Engineers and PaDOT capacity study methodologies.
  - c. That the use would be compatible, consistent, and beneficial to other uses within LVIP.

Sec. 202. Prohibited Uses (*See Amendment*)

The following uses, or any uses substantially similar to them, are prohibited:

- (1) The raising or slaughtering of livestock or the processing of meat and fish products, hides, leather, vinegar, yeast and the rendering or refining of fats and oil.
- (2) The incineration, reduction, treatment or transfer of garbage or sewage.
- (3) The manufacture of asphalt, coke, charcoal, synthetic fuels, cement, explosives and oil cloth.
- (4) The refining, storage or distribution of petroleum.
- (5) The operation of a junk yard or automobile salvage facility.
- (6) Truck and bus terminals.
- (7) Public storage facilities.
- (8) The smelting or reduction of ferrous and non-ferrous metal.
- (9) Billboards or poster panels except for use by LVIP or its nominee.

(10) Retail uses except where incidental to basic operation.

(11) Medical facilities participating in nursing, overnight or extended care facilities.

### ARTICLE III

#### AREA, YARD AND BUILDING

##### Sec. 301. Area and Yard Restrictions *(See Amendment)*

Each lot shall meet the following requirements:

(1) minimum lot area shall be 2 acres; maximum coverage by buildings shall be forty percent (40%) except offices shall have maximum coverage of thirty-five percent (35%); minimum building coverage shall be fifteen percent (15%) of usable acreage. In computing minimum coverage of multi-story buildings, all floors count towards coverage calculations.

(2) minimum lot width, two hundred (200) feet; minimum building set-back for front yard, fifty (50) feet; minimum building set-back for rear yard, thirty (30) feet; minimum building set-back for side yard, twenty (20) feet.

(3) any additions or changes to buildings or land, regardless of whether or not it requires municipal approval, must have prior review of the Building Committee of LVIP and subsequent approval by the LVIP Board of Directors.

##### Sec. 302. Building Restrictions

Each building shall meet the following requirements:

(1) Maximum height for any building, fifty (50) feet measured from the mean elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck lines of mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs. Height limitation shall not apply to radio or television aerials, electric utility towers and poles, transmission or radio towers, flagstaffs, chimneys, parapet walls which extend not more than four (4) feet above the limiting height, water tanks and water towers, elevator shafts, elevator and or machinery penthouses, provided that any such structures shall not have a horizontal area greater than twenty-five percent (25%) of the roof area of the building.

(2) Noise. The sound level of any operation (except the operation of motor vehicles or other transportation facilities, operations involved in the construction or demolition of structures, emergency alarm signals, or time signals) shall not exceed the decibel levels in the designated octave bands as stated below. The sound-pressure level shall be measured with a sound level meter and an octave band analyzer that conforms to current specifications published by the American Standards Association (American

Standard Sound Level Meters for Measurement of Noise and Other Sounds, and the American Standard Specification for Octave-Band Filters Set for the Analysis of Noise and Other Sounds, American Standards Association, Inc. shall be used). The maximum permissible sound-pressure levels for smooth and continuous noise shall be as follows (all of the decibel levels stated below shall apply in each case):

<u>FREQUENCY BAND</u> <u>(Cycles per Second)</u>	<u>MAXIMUM PERMITTED</u> <u>Sound Pressure Level (Decibels)</u>
0-150	67
151-300	59
301-600	52
601-1200	46
1201-2400	40
2401-4800	34
Above 4800	32

Noise is of a periodic character (hum, scream, etc.), or is impulsive of character (hammering, etc.). In the case of impulsive noise, the correction shall apply only to the average pressure during an impulse, and impulsive peaks shall not exceed the basic standards given above.

If the noise is not smooth and continuous or is radiated during evening sleeping hours, one (1) or more of the corrections listed below shall be added to or subtracted from each of the decibel levels given above.

<u>Type of Operation or Character of Noise</u>	<u>Corrections in Decibels</u>
Noise occurs between the hours of 10 p.m. and 7 a.m. (evening sleeping)	- 3
Noise occurs less than five percent (5%) of any one-hour period	+ 5

(3) Air Emissions. The emission of noxious smoke, dust, fumes, gases, odors, mists, vapors, pollutants and similar matter, or any combination thereof, which can cause any damage to human or animal health or vegetation, or other forms of property, or which can cause any soilings or staining of persons or property at the point beyond the lot line of the use creating the emission is prohibited.

(4) Heat and Glare. Any operation producing glare and/or heat shall be performed within an enclosed building or in such manner as not to be visible or to produce any effect beyond the property line of the lot on which the operation is located.

(5) Vibration. No use shall cause earth vibrations or concussions detectable beyond property lines without the aid of instruments, except for vibration produced as a result of construction activity.

(6) Electric, diesel, gas or other power. Every use requiring power shall be so operated that the service lines, substations, or other facilities shall conform to the highest safety requirements, and shall be so constructed and installed as to be an integral part of the architectural features of the building, and, except for essential poles and wires, shall not extend into the yard and shall be suitably screened from streets or any adjacent property which would be adversely affected by such installation.

(7) Building Facades. All facades of each building shall be designed with continuity with all adjoining facades and shall have at least **75%** masonry or other Building Committee approved materials. Expansion walls will be required to also have continuity with adjoining facades and shall not face public streets or highways. No off-street loading or unloading facilities shall be placed on the side of a building facing a public street unless adequate berming and landscaping is part of the plan which will screen these areas from the public streets. **All expansion walls shall be 50% masonry or other BC approved materials.**

(8) Miscellaneous activities. Each permitted use, except for the tilling of the soil, off-street parking and off-street loading and unloading, shall be conducted within a completely enclosed building.

#### Sec. 303. Storage and Waste Disposal

The following general regulations shall apply to the storage and disposal of materials:

(1) Highly flammable or explosive liquids, solids or gases shall be stored above ground.

(2) No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural cause or force, nor shall any substance which can contaminate a stream or water course or otherwise render such stream or water course undesirable as a source of water supply or recreation, or which will destroy aquatic life, shall be allowed to enter any stream or water course.

(3) Any materials or wastes, which might cause fumes or dust or which constitute a fire hazard, or which may be edible or otherwise attractive to rodents or insects, shall be stored outdoors only in enclosed containers which are adequate to eliminate such hazards.

(4) Any outdoor storage facilities, including waste containers, shall be enclosed by a dense planting and solid wall or screened fence, in architectural harmony with the main building. Such screen shall be of greater height than anything stored within such screen.

(5) No outdoor storage facility shall extend into any required yard or be placed on that side of a building facing a public street. The area of all outdoor storage shall be deemed part of the total lot coverage.

(6) Trucks and vans stored outdoors shall be screened from public view by a dense planting and solid wall or screened fence in architectural harmony from the main building.

Sec. 304. Storm Water Run-Off *(See Amendment)*

(1) If the impervious surface on any lot after development exceeds sixty percent (60%) of the total area of the lot, on-site detention facilities for the additional storm water generated by the excess coverage shall be provided.

(2) If storm water is directed from one drainage basin to another, on-site detention facilities to compensate for the amount directed into a particular drainage system shall be provided.

(3) In areas where LVIP has not provided retention/detention basins, on-site detention may be required by LVIP or the governing agency at the expense of the Owner.

(4) Any Owner who has been deeded all or a part of a detention/retention pond is responsible for the ongoing maintenance of that pond or its part.

Sec. 305. Landscaping

(1) Trees and other existing vegetative areas to be preserved shall be protected during construction by placing construction fencing or silt fence either along the tree

canopy drip line or minimally six feet from the trunk of the tree (whichever distance is greater) prior to the start of construction. The tree protection shall remain in place until final construction and restoration of the area occurs to prevent construction equipment from damaging the root systems.

(2) All landscaping shall be the responsibility of the owner of the lot, including the installation and maintenance of all plant material.

(3) All landscaping designs shall be approved by the LVIP Building Committee and Board of Directors prior to installation. This is to ensure an aesthetically pleasing planting scheme for the street trees, entry landscaping and other specific areas within each lot, consistent with the landscape design depicted on the plans.

(4) All proposed landscaping for each lot must minimally satisfy any local (township) requirements relative to landscaping.

(5) Street trees are required to be planted within six (6) feet outside of the street right-of-way line and are to be a deciduous hardwood type as approved by the Building Committee of LVIP. The following requirements shall also apply to street tree plantings:

- (a) Street tree plantings will initially be planted by LVIP. After one year from the date of planting, the vegetation will be the responsibility of the developer to maintain and replace any deteriorated material. Removal of any cluster of "street tree plantings" by the developer or his representative shall be replaced by the developer or his representative with an identical tree, or cluster of plantings, in size, species, and form, elsewhere along the lot's road frontage.
- (b) The minimum size of each street tree shall be as noted on the street tree planting plan furnished by LVIP. All tree calipers shall be measured at a point at least six (6) inches above the soil line.
- (c) Any street tree planted one (1) year or more after completion of an adjoining developed lot shall have a caliper measurement of no less than the median tree caliper on the adjoining lot.

(6) The area surrounding each building shall be suitably and attractively landscaped. Particular emphasis shall be given to screening the parking, docking and service related areas. Each lot owner shall submit to LVIP for its approval, a planting plan. This plan shall note a planting schedule which includes the botanical names, common names, size, quantity and general remarks for each plant proposed. Plantings will not be approved unless they conform to the following minimum standards:

- (a) Deciduous trees shall have a minimum caliper measurement of two and one-half (2 ½) inches, measured a minimum of six (6) inches above the soil line.

(b) Coniferous trees shall have a minimum height of six (6) feet.

(c) Evergreen shrubs, except for those used as low ground covers, shall have an average height of twenty (20) inches.

(d) Deciduous shrubs shall have an average height of thirty (30) inches.

(7) Owners of lots which are adjacent to federal, state or township roadways shall be responsible for the design and installation of an adequate landscaped buffer for sufficient visual screening of paved areas.

(8) The number of trees required for each building site shall be determined as follows:

(a) Each building site shall include a minimum of twelve (12) deciduous or evergreen trees(per covenant size) for each one(1) acre. As an alternative, ten (10) trees for each one (1) acre shall be required if deciduous trees are four (4) inches in caliper or greater, and evergreen trees are nine (9) feet in height or greater. At least one (1) tree of the larger size may be substituted for two (2) trees of the smaller size.

(b) Five (5) deciduous shrubs (per covenant size) may be substituted for one (20%) deciduous tree (per covenant size) for a maximum of twenty percent satisfy of the tree requirement. The preservation of existing trees may also on this requirement. A tabulation of this requirement shall be summarized each landscape plan submitted.

(9) All landscaping on each Building Site shall be completed within six (6) months after completion of any building thereon or within sixty (60) days after occupancy of any building thereon, whichever first occurs. The time for completion may be extended by LVIP if there are delays caused by adverse weather conditions or by other causes beyond reasonable control.

Sec. 306. Lighting (See Amendment)

(1) All parking lots and driveways shall be illuminated adequately during the hours between sunset and sunrise when the facility is in operation. Reasonable levels of lightning for security may be operated from midnight to dawn if the building is unoccupied, but not exceeding limits established within this section. Adequate shielding shall be provided to protect adjacent properties from the glare of such illumination and to eliminate the glare from driver's automobiles using such parking lots, driveways and

adjacent streets. In no event shall any luminaries be visible from public streets or adjacent properties.

(2) With the exception of signage lighting, all exterior lighting shall be high pressure sodium source. No neon lights or traveling, flashing or intermittent lighting of any kind shall be permitted.

(3) Parking lot lighting standards shall have a mounting height of 25' 0" or less above finished grade. Mounting height is hereby defined as the distance the bottom of the luminaire is above finished grade. Luminaire is defined as the light unit on the standard. The vertical dimension of the luminaire shall not exceed 18'. All fixtures shall be cut-off type luminaires as defined by the most current I.E.S. Lighting Handbook. Free standing and building mounted lighting shall be shoebox type. LVIP may approve other lighting that has equal lighting and cut-off characteristics. Building mounted luminaries, as a minimum, shall be cut-off type and shall meet the requirements of the parking lot luminaries.

(4) The parking lot lighting levels shall be in accordance with the most current I.E.S. Lighting Handbook. As a minimum, the light foot-candle level on the driveways and parking lot areas shall be sixth-tenths (0.6) foot-candle, with a uniformity ratio (average to minimum) of 4 to 1, with a maximum foot-candle of 4.2.

Sec 307. Exterior HVAC Equipment

Exterior HVAC equipment, whether it is located on the ground or roof, shall have sufficient screening, as approved by the LVIP Building Committee.

ARTICLE IV

PARKING FACILITIES

Sec. 401. On-Street Parking

Parking along the streets within Lehigh Valley Industrial Park VI shall be prohibited.

Sec. 402. Required Off-Street Parking Space *(See Amendment)*

Off-street parking spaces shall be provided and property maintained in accordance with municipal ordinance and no less than the following minimum

requirements:

(1) All parking shall be required to be on site and a minimum of one parking space for every 1.1 employees plus one off-street parking space required for each company vehicle based at the site. Handicapped spaces will be provided in accordance with prevailing governmental requirements.

(2) One parking space for each vehicle used in the conduct of business.

(3) Reserved parking spaces for normal visitor traffic.

(4) It is the responsibility of the Owner to accommodate off-street parking for all cars generated by the facility even if the above criteria has been met.

(5) No parking of vehicles, including aisle space, shall be permitted in the front of a line fifty (50) feet back from the property lines parallel to public streets. Parking adjacent to side and rear property lines shall be set back twenty (20) feet. Use of the set-back area for special events requires approval by LVIP. Such events shall not exceed one (1) week in duration.

(6) Parking plan shall include appropriately landscaped islands within bulk parking areas where over fifteen (15) car spaces are adjoining.

#### Sec. 403. General Regulations Applying to Required Off-Street Parking Facilities

(1) Change in requirements. Whenever there is an alteration of a structure or a change or extension of a use which increases the parking requirements according to the standards of Section 402 above, the total additional parking required for the alteration, change or extension shall be provided within 120 days thereof in accordance with the requirements of that section.

(2) Conflict with other uses. No parking area shall be used for any use that interferes with its availability for the parking need that it is required to serve.

(3) Continuing character of obligation. All required parking facilities shall be provided and maintained so long as the use, which the facilities were designed to serve, exists. Off-street parking facilities shall not be reduced unless by reason of diminution in floor area, seating area, the number of employees, or change in other factors controlling the regulation of the number of parking spaces, and such reduction is in conformity with the requirements of this Article. Reasonable precautions shall be taken by the Owner or sponsor or particular uses to assure the availability of required facilities to the employees or other persons whom the facilities are designed to serve. Such facilities shall be designated and used in such a manner as not to constitute a nuisance, hazard or unreasonable impediment to traffic.

(4) Location of parking spaces. Required off-street parking spaces shall be on the same lot or premises with the principal use served or, where this requirement cannot be met, within three hundred (300) feet of the lot or premises.

(5) Maintenance of parking area. For parking areas of three (3) or more vehicles, the area not landscaped and so maintained, including driveways, shall be graded, surfaced with a dustless, durable all-weather pavement parking surface, and drained to the extent necessary to prevent dust, erosion, or excessive water flow across streets or adjoining property. All off-street parking spaces shall be marked so as to indicate their location.

(6) Curbing. Only poured-in-place concrete curbing or precast concrete stop bars shall be allowed. Concrete curbing shall be required along entrance drives, traffic lanes and around parking or traffic islands. Within the development, excluding the public rights-of-way, LVIP may approve other alternate types of curbing. Stop bars are permitted within parking areas, but may not be used to define traffic lanes or islands.

Sec. 404. Design Standards

The design standards specified below shall be required for all off-street parking facilities with a capacity of three (3) or more vehicles:

(1) Parking lot dimensions shall be no less than those listed in the following table:

Angle of Parking	Parking Width	Stall Depth	Minimum one-way Aisle Width	Minimum two-way Aisle Width
90°	9'	18'	20'	24'
60°	9'	18'	18'	24'
45°	9'	18'	14'	24'
30°	9'	18'	12'	24'
Parallel	9'	22'	12'	24'

(2) Parking areas shall be designated so that each vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicle.

(3) The width of the entrance and exit drives shall be:

- (a) a minimum of twelve (12) feet and a maximum of fifteen (15) feet at the beginning of the radius exiting the property for one-way use only;
- (b) a minimum of twenty (20) feet and a maximum of thirty (30) feet at the beginning of the radius exiting the property for two-way use.

(4) For the purpose of servicing any property held under single or separate ownership, entrance or exit drives crossing the street lot line shall be limited to two (2) along the frontage of any single street. At least fifty (50) feet shall be provided between any two access drives along one street.

(5) In no case shall parking areas be designed to require or encourage vehicles to back into a public street in order to leave the lot.

## ARTICLE V

### LOADING FACILITIES

#### Sec. 501. Off-Street Loading

Every building or structure used for business, trade or industry shall provide space as herein indicated for the loading and unloading of vehicles off the street. Off-street loading and unloading space shall be in addition to, and not considered as meeting, a part of the requirements for off-street parking space. Off-street loading and unloading space shall not be used, designed, intended or constructed to be used in a manner to obstruct or interfere with the free use of any street or adjoining property. The following minimum off-street loading and unloading space requirements for specific uses shall be provided:

(1) Every building or structure, lot or land hereafter put to a business or industrial use or existing building or structure enlarged, shall provide one (1) off-street truck loading space for the first ten thousand (10,000) square feet plus a minimum of one additional off-street truck loading area for each additional forty thousand (40,000) square feet of gross floor area.

(2) Exclusive office use is exempt from Sec. 501(1).

Off-street loading facilities shall be designed to conform to the following specifications:

(1) Each required space shall be no less than twelve (12) feet in width, thirty-five (35) feet in length, with fourteen (14) foot overhead clearance exclusive of drives and maneuvering space, and located entirely on the lot being served, except in the case of tractor-trailer spaces which must be at least twelve (12) feet in width by fifty (50) to sixty-five (65) feet in depth.

(2) There shall be appropriate means of access to a street as well as adequate maneuvering space.

(3) Such facilities shall be designed and used in such a manner as to not constitute at any time a nuisance or a hazard or unreasonable impediment to traffic.

## ARTICLE VI

### SIGNS *(See Amendment)*

#### Sec. 601. Permitted Signs

The only signs that may be displayed are lot entrance signs, building identification signs and temporary signs.

#### Sec. 602. Lot Entrance Signs

Each building site shall have one (1) lot entrance sign, which shall conform to the format and specifications set forth on Exhibit 'A', attached hereto and made a part hereof and to the following requirements:

- (1) The sign shall contain only the name of the building, the address of the building and/or the company name.
- (2) The sign shall be a free standing sign and the concrete base shall be located fifteen feet (15') back from the face of the curb of the front yard of the building site.
- (3) The height of a free standing sign shall be two feet, six inches (2'6"), and the length shall be six feet, nine inches (6'9"). It shall be mounted to a concrete base, the portion above grade measuring seven feet, five inches (7'5") by twelve inches (12") by twelve inches (12") high.
- (4) Lettering shall be self adhesive, reflective white in "Univers Condensed".
- (5) Sign panels shall be aluminum with No. 148 dark green one shot anodized aluminum finish.
- (6) The sign shall not be illuminated.
- (7) Name of business shall be centered laterally into the designated space and shall be 5" letter height, all capitals.
- (8) Street address shall be 4" letter height, all capitals, and centered laterally on sign panel face.
- (9) All signs to be double faced and positioned perpendicular to curb, outside of any sight triangles.

(10) The sign shall be erected at a location designated by LVIP and consistent with the regulations and standards applied to all lots within the industrial park.

(11) The developer shall submit a shop drawing for approval by the LVIP Building Committee.

Sec. 603. Building Wall Mounted Identification Signs *(See Amendment)*

Signs shall be designed to conform to the following specifications:

(1) All parallel and projecting signs shall not exceed one hundred (100) square feet or ten percent (10%) of the area of the building face to which they are attached, whichever is less. There shall be a limit of one (1) sign on the building face fronting an interior public street, and a maximum of two (2) signs for corner lots.

Sec. 604. Signs on Lots abutting Route 33

Any buildings on Lots abutting Route 33 that wish to have signage facing Route 33 must meet the following criteria:

(1) The letters shall not be higher than 24" and shall be individual letters made out of brushed aluminum.

(2) No such sign shall be longer than 50' in length.

(3) The above letters must be attached to the building and shall not extend above the roof line.

(4) Helvetica type lettering is to be used.

Sec. 605. Temporary Signs

All temporary signs shall be erected within the rear half of required yards facing upon streets and not more than one (1) such sign shall be placed on the property unless such property fronts on more than one (1) street, in which case one (1) such sign may be erected on each street frontage. All temporary signs shall be removed within thirty (30) days of their intended use unless otherwise stated below.

(1) Only one (1) construction sign may be erected during construction to identify the business which will occupy the lot, building, contractor, financing, broker,

etc. This sign may not exceed fifteen (15) square feet and must be removed within thirty (30) days of building completion.

(2) Leasing or For Sale signs may not exceed fifteen (15) square feet and such signs are permitted until the building is eighty percent (80%) occupied or the building is sold. Only one sign is permitted on any building.

(3) No temporary signs shall be placed within the adjacent public right-of-way.

## ARTICLE VII

### APPROVAL OF PLANS

#### Sec. 701. Approval of Plans

No construction on or improvements to any lot or changes to any improvements shall be made until approval of the plans for such activity is granted by LVIP. The designs of all identification signs, building signs, free standing signs and temporary signs must also be submitted to LVIP for approval.

Sec. 702. Duration of Restriction

The approvals set forth in Article VII shall terminate upon the termination of the corporate existence of Lehigh Valley Industrial Park, Inc.

Sec. 703. Application for Approval

Four (4) sets of plans shall be submitted to the office of LVIP in accordance with Sec. 705. Such plans shall include the following information:

(1) A site layout to a scale of not less than one (1) inch equals fifty (50) feet showing the location, dimensions and height of proposed buildings, structures, or uses and existing buildings in relation to property and street lines. If the application relates to property which is scheduled to be developed in successive stages, such plans show the relationship of the portion scheduled for initial development to the proposed layout of the entire property.

(2) The location, dimensions and arrangements of all open spaces, yards and buffer yards, including methods to be employed for screening.

(3) The location, size, arrangement and capacity of all areas to be used for vehicle access, off-street parking and off-street loading and unloading.

(4) The dimensions, location and methods of all illumination for signs, if applicable.

(5) The location and dimensions of sidewalks and all other areas to be devoted to pedestrian use.

(6) The provisions to be made for water supply, storm drainage and sewage and industrial wastes.

(7) The capacity and arrangement of all buildings.

(8) A description of any proposed industrial or commercial operations in sufficient detail to indicate the effects of those operations in producing noise, glare, air pollution, fire hazards, traffic congestion or other safety hazards.

(9) A description of the methods to be employed in controlling any noise, glare, air pollution, water pollution, fire hazards, traffic congestion or other safety hazards.

(10) Plans in sufficient detail to show all floor plans, elevations and exterior materials. An attractive face is required for sides of the building facing public streets, and standard painted concrete masonry block units may not be used on any side.

Samples of all exterior building materials(walls, facia, etc.) shall be submitted along with the plans, **along with a colored rendering, showing all four (4) elevations.** Truck loading docks shall not face public streets or highways unless it complies with Sec. 305(5), but insofar as practical should be placed in the rear portion of the side yard or in the rear yard.

(11) A site drainage plan in sufficient detail to indicate storm water management plan and details.

(12) A landscaping plan in sufficient detail to indicate proposed landscaping, including size and type of proposed planting, and surface treatment of the entire site.

(13) An LVIP Building Committee checklist and any other data or information deemed necessary by representatives of LVIP required to determine the compliance of the proposed development within the terms of these Covenants.

#### Sec. 704. Decision on Approval or Disapproval

The Board of Directors of LVIP, after review by and approval/disapproval of its Building Committee, shall approve or disapprove plans based on the following criteria:

(1) The plans, material samples, and Building Committee checklist shall comply with these Protective Covenants and with applicable restrictions and regulations imposed by law.

(2) Each building shall be designed so as to harmonize with, and not detract from, the character of the surrounding area. The building shall be designed by and the plans of such shall bear the seal of an architect or other professional licensed to do work in Pennsylvania. The landscaping plans shall be designed by and bear the seal of a landscape architect. The site/grading/utility plans shall be designed by and bear the seal of a professional civil engineer, landscape architect or other professional licensed to do work in Pennsylvania.

(3) Whenever possible, satisfactory provisions shall be made by using utility easements along rear and side lot lines for electric power and telephone service, but in no case will these overhead utility services be permitted in front yards.

(4) Vehicular access shall be limited to interior streets of Lehigh Valley Industrial Park VI and shall not connect directly with arterial roads unless approved by LVIP.

#### Sec. 705. Submission Deadline

All applicants **must** submit plans in sufficient detail to show location, size, elevations and materials of proposed equipment screens and all signs and other required data for review to the Building Committee of LVIP **by the 10<sup>th</sup> of the month** for review

at that month's Building Committee meeting. All final approvals must be acted on by the Board of Directors of LVIP at its regular monthly meeting held on the first Monday of every month.

## ARTICLE VIII

### VIOLATION OF COVENANTS

#### Sec. 801. Enforcement & Violation of Covenants

Neither Lehigh Valley Industrial Park, Inc. nor any owner of land in Lehigh Valley Industrial Park shall have the duty to enforce any of the Protective Covenants. However, Lehigh Valley Industrial Park, Inc. and any then-current owner of land in Lehigh Valley Industrial Park VI shall have the right to enforce the Protective Covenants and to seek any remedies and penalties which are provided by law.

## ARTICLE IX *(See Amendment)*

#### Sec. 901. Miscellaneous Provisions

## **LVIP VI Protective Covenants Amendments**

### **Sections that have been amended:**

- Article I, Section 104: Amendment or Termination
- Article II, Section 201(A): Permitted Uses
- Article II, Section 201 (C): Special Exception Uses
- Article II, Section 202: Prohibited Uses
- Article III, Section 301: Area and Yard Restrictions
- Article III, Section 304: Storm Water Run-Off
- Article III, Section 306: Lighting
- Article IV, Section 402: Required Off-Street Parking Spaces
- Article VI: Signs
- Article IX, Section 901: Miscellaneous Provisions

**Section 104 is amended to read as follows:**

Sec. 104. Amendment or Termination

These Protective Covenants may be amended in whole or in part upon agreement in writing by the record owners in fee simple of more than seventy-five percent (75%) of the land subject to these Protective Covenants, based on the number of acres so owned divided by the number of acres subject to these Protective Covenants; however, so long as LVIP is the record owner in fee simple of at least five percent (5%) of the land subject to these Protective Covenants, LVIP shall be deemed to be the record owner in fee simple of more than seventy-five percent (75%) of the land subject to these Protective Covenants. Any such agreement to amend or terminate these Protective Covenants shall not become effective until: an attorney and counselor of the Supreme Court of Pennsylvania certifies the names of record owners in fee simple of the land subject to these Protective Covenants; and, a professional engineer licensed by the Commonwealth of Pennsylvania certifies the number of acres owned by such record owners; and, the agreement and the certifications are recorded in the Office of the Recorder of Deeds of Northampton County, Pennsylvania. The certifications shall be deemed conclusive evidence of such record ownership in fee simple and such acreage.

**Section 201 (A) Permitted Uses is amended to add the following item:**

- (26.) Stand-Alone Health Club/Fitness Center
- (27.) Stand Alone Restaurant (**but not allowing** a fast-food chain and/or a drive-through restaurant) – permitted **only** on Lot 39.
- (28.) Restaurant/Deli/Cafeteria offering food for consumption on or off the premises as well as the manufacture of food in the same kitchen for sale in bulk to other restaurants and food retailers. The portion of the facility open to the public shall be no more than 3,000 square feet. No drive-through access shall be permitted and the use shall be located on Lot 28 **or** Lot 29, but **not** both, as part of the single story, multi-tenant facility.

**Section 201 (C) Special Exception Uses is amended to add the following item:**

- (11) Stand Alone Restaurant (**but not allowing** a fast-food chain and/or a drive-through restaurant) – permitted **only** on Lots 25 and 41.

**Section 202 Prohibited Uses has been amended to add the following item:**

- (12) Telecommunications Tower or Towers.

**Section 301 Area and Yard Restrictions is amended to add the following item:**

- (4) With respect to Lot 25 only, the minimum building set-back for front yard shall be thirty-five (35) feet.

**Section 304, Item 1 has been deleted and replaced with the following:**

- (1) The absolute maximum impervious surface allowed on any lot after development shall not exceed sixty-five (65) percent of the total area of the lot. (See Section 304, Item (2), (3) and (4) for other requirements that may apply to any individual lot).

**In Section 306, the sentence “All fixtures shall be cut-off type luminaries as defined by the most current I.E.S. Lighting Handbook” was replaced with the following:**

“All fixtures free standing and exposed wall mounted lights shall be of a non-tilting shoebox type fixtures and shall also, if necessary, have cut-off type luminaries as defined by the most current I.E.S. Lighting Handbook so that all light is directed downward to ground surface and not readily visible from off-lot locations.”

**Section 402 Required Off-Street Parking Spaces is amended by adding the following items (7) and (8):**

- (7) The location of parking spaces may be allowed, as a special exception, in the fifty (50) feet front yard set back area at a location beginning thirty (30) feet back from the road right-of-way line for **Lots 6, 7, 8, and 9** frontage directly on Baglyos Circle. The allowance of this parking will be dependent upon providing an approved undulating earthen berm along the lot frontage in front of all parking areas with appropriate landscaping that shall be in addition to the minimum landscaping required for the site by the covenant standards. The undulating earthen berm may vary from a minimum of one (1) foot to four (4) foot in height, but must average two and one-half (2.5) feet in height for its entire length. The intent of this undulating earthen berm is that it must screen the cars parking within this area from the public street area. This special exception, if granted, is to allow no other uses, buildings or structures other than parking spaces, within this 20' foot front yard area.
- (8) The location of parking spaces may be allowed, as a special exception, in the fifty (50) foot front yard setback area along Freemansburg Avenue at a location beginning thirty-five (35) feet back from the road right-of-way line and within the fifty (50) foot front yard setback area along Emrick Boulevard at a location beginning twenty-five (25) feet back from the road right-of-way line for **Lot 40**. The allowance of this parking will be dependent upon the lot owner implementing an approved planting strategy for visual mitigation of parking along the lot's frontage with these public roads. The planting strategy must be submitted to the LVIP Building Committee for approval. The planting areas shall consist of a mixture of evergreens and deciduous plants that will screen the parking

area and cars from the public roads. This mixture shall contain a minimum of 60% +/- low evergreens with up to 40% deciduous shrubs. The mixture of low parking screen planting shall also be complimented with larger street trees and a few evergreen trees. The special exception set forth in this provision shall only apply to the above-referenced parking spaces, and shall not extend or apply to any other uses, buildings or structures.

**Article VI Signs is amended in its entirety to read:**

ARTICLE VI  
SIGNS

Sec. 601 Permitted Signs

The only signs that may be displayed are lot entrance signs, building signs, building identification signs and temporary signs, as described in this section. No building mounted signs are permitted to extend above the roof line. In addition, all signs must meet all municipal ordinance regulations.

Sec 602(A) Lot Entrance Signs - Single Use Buildings

Each building site shall have (1) free standing lot entrance sign, which shall conform to the following characteristics and requirements:

- (1) The sign shall contain only the name of the building, the address of the building and/or the company name.
- (2) The sign shall be a free standing sign that shall be located beyond the road right-of-way, outside the sight triangle, at least fifteen (15) feet back from the face of the curb of the front yard of the building site. The sign shall be perpendicular to the curb. The sign may be a double faced sign.
- (3) The height of a free standing sign shall be two feet, six inches (2'-6"), and the length shall be six feet, nine inches (6'-9"). It shall be mounted to a concrete base, the portion above grade measuring seven feet, five inches (7'-5") by twelve inches (12") by twelve inches (12"0) high.
- (4) Signs may be illuminated with a constant, non-flashing, external source of light.
- (5) Sign panels may be of aluminum or other durable material and lettering shall be self adhesive or equivalent. Letter type shall be consistent.
- (6) The sign shall be erected at a location meeting municipal requirements and at an approved location that is consistent with these standards.
- (7) The developer shall submit detailed shop drawings for colors, lettering, materials and plans indicating sign placement for approval.

Sec. 602(B) Lot Entrance Signs - Multi-Tenant Buildings

Each building site shall have one (1) free standing lot entrance sign, which shall conform to the following characteristics and requirements:

- (1) The sign shall contain only the name of the building or complex, street addresses and names of companies/occupants.
- (2) The sign shall be a free standing sign that shall be located beyond the road right-of-way, outside the sight triangle, at least fifteen (15) feet back from the face of the curb of the front yard of the building site. The sign shall be perpendicular to the curb. The sign may be a double faced sign.
- (3) The total area of the sign, including the one (1) foot high sign base, shall be five (5) feet high by eight (8) feet wide. The actual sign area shall be a maximum of four (4) feet by eight (8) feet wide or a maximum of thirty-two (32) square feet.
- (4) The sign base shall have a dimension of eight (8) feet and eight (8) inches long and no more than eight (8) inches thicker than the sign mounted on top and no greater than one (1) foot in height. The sign base may be made of metal, stone, masonry or concrete and shall have no openings.
- (5) Signs may be illuminated with a constant, non-flashing, external source of light.
- (6) Sign panels may be of aluminum or other durable material and lettering shall be self adhesive or equivalent. Letter type shall be consistent.
- (7) The sign shall be erected at a location meeting municipal requirements and at an approved location that is consistent with these standards.
- (8) The developer shall submit detailed shop drawings for colors, lettering, materials and plans indicating sign placement for approval.

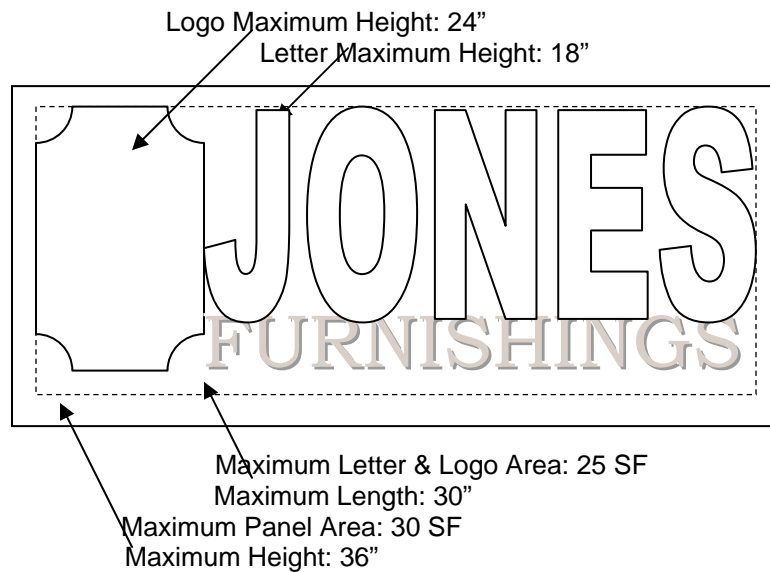
Sec. 603 Building Wall Mounted Identification Signs

All signs shall be wall mounted, attached parallel to building walls, and be designed to conform with the following specifications (**\* The provisions set forth in subsection (2) below shall only apply when an individual building owner has provided proof of relief by way of a variance from the Bethlehem Township Zoning Hearing Board regarding the Bethlehem Township Zoning Ordinance Article XVIII Section 1817.**):

- (1) All parallel signs shall not exceed one hundred (100) square feet or ten percent (10%) of the area of the building face to which they are attached, whichever is less. There shall be a limit of one (1) sign on the building face fronting an interior public street, and a maximum of two (2) signs for corner lots.

- (2) By special approval, up to two (2) parallel signs for two (2) story and three (3) parallel signs for three (3) or more story office buildings for building name and/or major occupants in lieu of the one parallel sign described and allowed in Section 603(1) Also, by special approval, multi-tenant office buildings of over 75,000 square feet may be approved for up to four (4) parallel signs.
- (a) Each parallel sign shall consist only of individually attached letters at a maximum height of eighteen (20) inches in height and may include an individually attached logo of not more than twenty-four (24) inches in height. Each parallel sign shall consist of only one (1) single line containing lettering and logo. Each permitted parallel sign and/or sign and logo combination shall be a maximum of fifty (50) square feet. When multiple signs are proposed, none shall exceed fifty (50) square feet or the combined total of each allowed individual sign/logo up to a maximum of one hundred (100) square feet for two signs/logo, a maximum of one hundred fifty (150) square feet for three signs/logo, or a maximum of two hundred (200) square feet for four signs/logo. In no case shall an individual and/or multiple signs exceed 10% of the combined building facades facing the public street. Duplicate signs are not allowed for corner lots using these sign provisions. The letter and/or logo area for each sign area is calculated by scribing a boundary line around all letters and logo information, including spaces between letters and logo area.
  - (b) The method of lighting signage and lamp color must be consistent for all signs on each building. Sign lettering and logo may be illuminated with a constant, non-flashing, external source of light. Internal illumination is allowed only by special approval. Such approval will only allow the letters and logo to be internally lighted.
  - (c) A consistent color, size and method of attaching the sign letters shall be used on each building.
  - (d) The building owner shall designate and verify the sign type, size, method of attachment, color theme and placement for their building. Building owner letters of support shall be included with all sign proposals.
- (3) For only single story multiple use / flex buildings, individual wall mounted signs are allowed for each use based on the following specifications:
- (a) The building shall have signs with consistent 1) color theme and 2) placement location for each sign on the entire building for each use. A common sign type, size, and method of attaching the signs, whether individual letters / logo or sign panels shall be used for each building.

- (b) The building owner shall designate and verify the sign type, size, method of attachment, color theme and placement for their building. Building owner letters of support shall be included with all sign proposals.
- (c) The maximum size of the sign panel area for each use and/or tenant, shall not exceed thirty (30) square feet. The maximum sign panel height shall not exceed three (3) feet in height.
- (d) The maximum size of the letter and logo area on each sign, whether attached as individual letters and logo and/or on a sign panel, shall not exceed twenty-five (25) square feet or thirty (30) inches in height. The letter and/or logo area is calculated by scribing a boundary line around all letters and logo information, including spaces between letters and logo area. An individual logo shall not exceed twenty-four (24) inches in height and individual letters shall not exceed eighteen (18) inches in height. Only lettering on sign panels may contain up to three (3) lines of lettering. \*See Graphic Below\*



**INDIVIDUAL WALL MOUNTED SIGN DETAIL FOR  
SINGLE STORY MULTIPLE USE/FLEX BUILDINGS**

- (e) Signs may be illuminated with a constant, non-flashing, external source of light. Internal illumination is allowed only by special approval. Such approval will only allow the letters and logo to be internally lighted and not the entire sign face. The method of lighting signage and lamp color must be consistent for all signs on each building.
- (4) The developer shall submit detailed shop drawings for colors, lettering, materials and plans indicating sign placement for approval.

Sec. 604      Signs on Lots Abutting Route 33

For any single-use, multiple-use and/or multi-use / flex buildings on lots abutting Route 33 that wish to have signage facing Route 33 must meet the following criteria:

- (1) The letter shall not be higher than 24" and shall be individual letters made out of brushed aluminum.
- (2) No such sign shall be longer than 50' in length.
- (3) The above letters must be attached to the building and shall not extend above the roof line.
- (4) It shall be the responsibility of the Owner of each building to designate and allocate to one tenant the one (1) sign permitted per building facing Route 33 and submit detailed shop drawings describing the sign, materials and placement on the building for approval.
- (5) Backlighting of sign letters with a constant, non-flashing source of light may be permitted by special approval.

Sec. 605      Temporary Signs

All temporary signs shall be erected within the rear half of required yards facing upon streets and not more than one (1) such sign shall be placed on the property unless such property fronts on more than one (1) street, in which case one (1) such sign may be erected on each street frontage. All temporary signs shall be removed within thirty (30) days of their intended use unless otherwise stated below.

- (1) Only one (1) construction sign may be erected during construction to identify the business that will occupy the lot, building, contractor, financing, broker, etc. This sign may not exceed fifteen (15) square feet and must be removed within thirty (30) days of building completion.
- (2) Leasing or For Sale signs may not exceed fifteen (15) square feet and such signs are permitted until the building is eighty percent (80%) occupied or the building is sold. Only one sign is permitted on any building.
- (3) No temporary sign shall be placed within the adjacent public right-of-way.

**Section 901 Miscellaneous Provisions shall be included to read in its entirety:**

Sec. 901. Anything in these Protective Covenants to the contrary notwithstanding, the following provisions shall be controlling.

- (1) After the sale of all lots by LVIP in the Subdivision to which these Protective Covenants relate (the "Subdivision"), or no later than January 11, 2011, all requirements for approvals by LVIP or any of its committees under Articles II through VII of these Protective Covenants shall be vested in, submitted to, administered by and granted or not granted by the Lehigh Valley Industrial Park VI Association ("Association"), which shall have all of the rights and authority previously held by LVIP and its committees with respect to such approvals.
- (2) Any and all owners of land in the Subdivision, the Association and LVIP shall have the right to enforce these Protective Covenants and to seek any and all remedies provided by law or equity in the event of violation of these Protective Covenants. However, no owner of land, nor LVIP, nor the Association shall have any duty or obligation to enforce these Protective Covenants and shall have no liability to any person or entity for failing to do so.
- (3) After the sale of all lots by LVIP in the Subdivision, LVIP shall convey to the Association, the Common Areas in the Subdivision. The Common Areas consist of those improvements that delineate the main entrance to LVIP VI, including gateway signage, together with plants (flowers, grass, shrubs and trees) and lighting, median islands with plantings, an illuminated kiosk containing a directory of buildings, and an irrigation system.
- (4) All owners of lots in the Subdivision shall be eligible for membership in the Association. The purposes of the Association shall be to maintain and improve the Common Areas, to encourage lot owners to maintain and operate their properties in a manner which will maintain the appearance and value of the Subdivision, and, after the initial sale of all lots as set forth in Paragraph (1) above, or no later than January 11, 2011, to review and approve or disapprove of any and all matters previously requiring the approval of LVIP or any of its committees under Articles II through VII of the Protective Covenants. The Association shall have authority to adopt By-laws and an annual budget and levy assessments against the members in order to pay for its operation. From and after the filing of this Amendment, all persons or entities purchasing any property in the Subdivision shall be obligated to become a member of the Association, to pay any assessments levied by the Association to fund its operations and shall be bound by the By-laws of the Association."